

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 JOSE ANTONIO LLUILEMA GARCIA, *individually and* :  
*on behalf of other similarly situated,* :  
 Plaintiff, : 20-CV-4323 (JPC)  
 :  
 -v- : ORDER  
 FRANCIS GENERAL CONSTRUCTION INC. *et al.*, :  
 Defendants. :  
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JOHN P. CRONAN, United States District Judge:

Plaintiff Jose Antonio Lluilema Garcia filed the Complaint in this action on June 6, 2020.

(Dkt. 1.) Defendant Francis General Construction Inc. was served with the Complaint on August 26, 2020, making its answer due by September 16, 2020. (Dkt. 13.) Defendant Francisco Peralta was served with the Complaint on August 31, 2020, making his answer due September 21, 2020.

(Dkt. 14.) To date, neither of these two Defendants has appeared in this action nor answered the Complaint. A Clerk's Certificate of Default was filed for both Defendants on October 30, 2020.

(Dkts. 20, 21.)

It is hereby ORDERED that no later than January 13, 2021, Plaintiff shall move for default judgment as to Defendants Francis General Construction Inc. and Francisco Peralta, in accordance with Local Civil Rule 55.2 and 3.F of the Court's Individual Rules and Practices for Civil Cases, or show cause why this case should not be dismissed for failure to prosecute. Pursuant to this Court's Individual Rules, Plaintiff must serve his motion for default judgment and supporting paperwork on Defendants and file an Affidavit of Service on ECF by January 27, 2021. Defendants shall file any opposition to the motion for default judgment no later than February 10, 2021. Plaintiff shall file any reply no later than February 17, 2021.

It is further ORDERED that Defendants appear and show cause at a hearing before this Court on February 22, 2021, at 11:00 a.m., why an order should not be issued granting a default judgment against Defendants. That hearing shall take place telephonically. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. In the event that Defendants appear in this case and oppose the motion for default judgment prior to the scheduled court appearance on February 22, 2021, that court appearance shall also serve as an Initial Case Management Conference pursuant to 5.B of the Court's Individual Rules and Practices in Civil Cases in the event the Court declines to issue a default judgment at the hearing.

It is further ORDERED that Plaintiff serve Defendants Francis General Construction Inc. and Francisco Peralta via overnight courier with a copy of this Order within one week of the date of this Order. Within two business days of service, Plaintiff must file proof of such service on the docket.

SO ORDERED.

Dated: December 14, 2020  
New York, New York

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JOHN P. CRONAN  
United States District Judge